

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMADO PEDRO CASTILLO,

Defendant.

CASE NO. CR21-0174-JCC-4

ORDER

This matter comes before the Court on Defendant's motion for transportation expenses (Dkt. No. 747). The Court, having thoroughly considered the record and briefing, hereby GRANTS in part and DENIES in part the motion for the reasons described below.

When a defendant is released on appearance bond and his subsequent appearance is a condition of the release, the Court—upon finding that the defendant is financially unable to appear and that the interests of justice will be served—may authorize the United States Marshals to arrange for a defendant's "means of noncustodial transportation or furnish the fare for such transportation *to* the place where [her] appearance is required." 18 U.S.C. § 4285 (emphasis added). This includes "subsistence expenses *to* his destination." *Id.* (emphasis added).

Defendant presently resides in New York, (*see* Dkt. No. 232 at 2), and is to appear for a change of plea hearing in Seattle. The Court previously found Defendant indigent and appointed counsel. (*See* Dkt. No. 24-5.) Based on the Court's prior finding, and being advised of no

1 changes to Defendant's financial condition,¹ the Court now FINDS that Defendant is financially
2 unable to appear as directed and that the interests of justice would be served by the provision of
3 transportation by the Government.

4 However, the statute does not provide for the payment of travel expenses to return to
5 New York. *See* 18 U.S.C. § 4285. And, in fact, courts, including this one, routinely conclude that
6 payment of such expenses is not authorized. *See, e.g., United States v. Moran*, 2008 WL
7 11487953, slip op. at 2 (W.D. Wash. 2008) (citing *United States v. Gundersen*, 978 F.2d 580,
8 584 (10th Cir. 1992)); *United States v. Silkeutsabay*, 2015 WL 13449660, slip op. at 1 (E.D.
9 Wash. 2015) (similar reasoning); *United States v. Smith-Kilpatrick*, 2017 WL 11573726, slip op.
10 at 1 (W.D. Mich. 2017) (similar reasoning). The Court sees no reason to depart from those
11 holdings in this instance.

12 Accordingly, the motion for transportation expenses is GRANTED in part and DENIED
13 in part. The Court ORDERS the United States Marshals to arrange and pay for Defendant's non-
14 custodial, one-way transportation from New York to Seattle. Subsistence while en route may not
15 exceed the amount authorized as a *per diem* allowance for travel under 5 U.S.C. § 5702(a).

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17 DATED this 28th day of June 2024.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE

¹ Defense counsel avers this remains true today. (*See* Dkt. No. 747 at 2, 750 at 2.)